

Docket 139-NC-100

9. It is reasonable, necessary, and convenient to the public interest to impose interim Conditions 3 through 10 in order to promote and protect competition through the prevention of unfair and unreasonable discriminatory treatment by AW in favor of ACI in competitive markets.

10. It is reasonable, necessary, and convenient to the public interest to impose interim Conditions 11 and 12 to establish and monitor the level of regulation of ACI to the extent it is a new provider of local exchange services competing with other new entrants and AW itself in the local exchange market.

11. It is reasonable, necessary, and convenient to the public interest to impose interim Condition 13 and the facilities and resale limitations respecting AW territory in the basic certification, in order to protect consumers, as defined by Act 496. The consumers will be afforded the protections that Act 496 intended they receive from AW as a competitive telecommunications utility ultimately capable of providing bundled toll and local service offerings, but for the federal law's temporary requirement of a separate subsidiary for the provision of in-region, interLATA toll.

12. It is reasonable and consistent with the public interest for the Commission to order ACI to file annually information necessary to monitor the development of competition in Wisconsin telecommunications markets.

13. This action is classified as a Type III action according to s. PSC 4.10(3), Wis. Adm. Code. Furthermore, since no unusual circumstances have come to the attention of the Commission which would indicate that significant environmental consequences are likely, neither an environmental impact statement under s. 1.11, Stats., nor an environmental assessment is required.

CONCLUSIONS OF LAW

THE COMMISSION CONCLUDES:

It has jurisdiction under s. 133.01, Stats. and ss. 196.01, 196.02, 196.03(6), 196.203, 196.26, 196.28, 196.39, 196.395, 196.40, 196.52, and other provisions of chs. 196 and 227, Stats., that may be pertinent hereto, to make findings of fact as discussed above, to interpret statutes, to classify the applicant for certification, to issue an interim order authorizing a temporary certification of ACI as an ATU-Other to provide intrastate telecommunications services as specified in the certificate, to impose interim conditions on said interim certificate, and to act or to refrain from acting as set forth herein.

INTERIM ORDER

THE COMMISSION THEREFORE ORDERS:

1. This interim order is effective for service within AW territory upon FCC approval of AW or an affiliate of AW to provide in-region, interLATA toll service within Wisconsin. This interim order is effective immediately for service in GTE territory.

2. ACI shall be temporarily certified to provide telecommunications services in Wisconsin as an alternative telecommunications-other under s. 196.01(1d)(f), Stats., the services to include a) the resale of services authorized to be resold in this state, as described in the Findings of Fact, and b) the provision of facilities-based services, except that in AW territory, ACI shall not own or operate switching and transmission facilities, including private lines, capable of providing local exchange service. If ACI wishes to serve other areas in Wisconsin, it shall file a petition for further certification to extend its service territory for local exchange services.

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3. The certification of ACI shall be subject to interim Conditions 1 through 13 as set forth above as if incorporated in full in the certificate.

4. ACI shall be subject on an interim basis to the following provisions and any related provisions of ch. 196, Stats., as detailed in the Findings and as qualified in order paragraph 3: ss. 196.01; 196.015; 196.02(1), (4), and (5); 196.03(6); 196.04; 196.07; 196.14; 196.20; 196.203; 196.204; 196.209; 196.218; 196.219; 196.25; 196.26; 196.28; 196.39; 196.395; 196.40; 196.41; 196.43; 196.44; 196.52; 196.65; 196.66; 196.81; 196.85; and 196.858, Stats.

5. ACI shall comply with the reporting requirements under the terms and conditions set forth in the Findings of Fact.

6. ACI shall notify the Commission of any affiliated contracts or arrangements that it enters into with an affiliate company, in compliance with s. 196.52, Stats., and Condition 13.

7. The Commission retains jurisdiction.

CERTIFICATE

THE COMMISSION CERTIFIES:

Ameritech Communications of Wisconsin, Inc., is temporarily certified as an alternative telecommunications utility-other, per s. 196.01(1d)(f), Stats., authorized to provide the following telecommunications services:

1. On a statewide basis, to resell telecommunications services that are authorized for resale; and

2. On a statewide basis, to provide facilities-based intrastate telecommunications services, subject to the following restrictions.

a. In the obliged-to-serve territory of AW, ACI i). shall only provide local exchange service through resale of local exchange services, or the purchase of unbundled network elements, provided that those elements are acquired only as a group for the account of an end-user customer in order to reconstitute the equivalent of the incumbent local exchange carrier's current tariffed wholesale service offerings that mirror retail offerings and that ACI could have purchased to provide the local exchange service sought by that customer; and ii). shall not own switching and transmission facilities, including private line facilities, capable of providing local exchange service.

b. ACI shall not provide local exchange service for which additional certification is required under s. 196.50(1)(b), Stats.

The services certificated in 1. and 2. above are subject to interim Conditions 1 through 13, inclusive, as if set forth in full herein.

Commissioner Daniel Eastman dissents only as to the temporary certification condition on the grounds that it may tend to chill investment in infrastructure in Wisconsin. He would prefer certification without the temporary condition.

Dated at Madison, Wisconsin

November 26, 1996

By the Commission.

Cheryl L. Dorr

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Secretary to the Commission

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